

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Autor, Jeffrey S.; et al.  
Serial No.: 09/965,893  
Filed: 28 September 2001  
For: Method for Interrogating and  
Proliferating a Rack Name in a  
Rack of Servers

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Group Art Unit: 2157  
Examiner: Todd, Gregory G.  
Atty. Docket: 200302145-1

CERTIFICATE OF TRANSMISSION OR MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted by  
facsimile to the United States Patent and Trademark Office in  
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envelope addressed to: Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, on the date below:

1/2/07  
Date

Debi Bonacquisti

Sir:

**DECLARATION OF PRIOR CONCEPTION AND DILIGENT REDUCTION  
TO PRACTICE IN THE UNITED STATES TO OVERCOME CITED  
PATENT OR PUBLICATION (37 CFR 1.131)**

This declaration is to establish conception and reduction to practice of the claimed  
inventions prior to 5 September 2001, the filing date of the patent application entitled, "System  
and Method for Determining Location and Status of Computer System Server", by Ip (U.S.  
Application Publication No. 2003/0046339).

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The applicant would like to note the following of which the examiner needs to be aware:

- Hewlett Packard Company purchased Compaq Computer Corporation and acquired all rights to property previously held by the latter regarding this invention. A recordation of assignment was made on 12 May 2004 and can be found at reel/frame: 014628/0103. So references below to older documents from Compaq Computer Corporation should be considered as Hewlett Packard Company documents as well, and thus may only constitute an internal disclosure of information unless otherwise noted.
- The inventor, Michael C. Sanders, passed away on 9 December 2001. Per instructions by the examiner during the telephone interview on 5 December 2006, registered mail to the last known address was successfully used to establish contact with the deceased's estate and his signature is being replaced by that of Vivian McDonald-Sanders, his widow and Executor of the Estate of Michael C. Sanders.

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### STATEMENT OF FACTS

1. The persons making this declaration are the inventors of the subject matter claimed in the present application.
2. One or more embodiments of the invention claimed in this application were conceived in the United States by the undersigned inventors at least just before 5 September 2001, the filing date of the cited Ip reference.
3. One or more embodiments of the invention claimed in this application were actually reduced to practice in the United States by the undersigned inventors at least just before 5 September 2001, the filing date of the cited Ip reference.
4. The following attached documents are submitted as evidence to establish a conception date and actual reduction to practice at least just prior to 5 September 2001, the filing date of the cited Ip reference:
  - a. Exhibit A attached hereto is a true and correct copy of *Compaq Invention Disclosure* Form and supporting documents, an 8 page document completed by the inventors at least just prior to 5 September 2001 and submitted to the Legal department of Compaq Computer Corporation.

Exhibit A supports the following facts:

- i. Compaq Invention Disclosure Form was submitted on a date, which has been redacted, at least just prior to 5 September 2001 to document past actions of the inventors.
- ii. Compaq Invention Disclosure Form was submitted electronically by the inventors of the subject matter claimed in the present application.
- iii. Compaq Invention Disclosure Form was received by the Legal Department in its present form on a date, which has been redacted, at least just prior to

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5 September 2001 as evidenced by the electronic stamp in the upper left corner of page 1.

- iv. Compaq Information Disclosure Form states that at the time of the disclosure form's submission the invention had been actually reduced to practice (page 4, question 4A.) Further, the disclosure form states the invention was tested and the test was successful (page 4, question 4B(iii and iv.) This is also supported by the responses to question 5 which state that the invention has been incorporated into a Compaq product which had yet to be offered for sale to the public (page 4, questions 5A and 5B.)
- v. Compaq Information Disclosure Form list the three of the four inventors of the subject matter claimed in the present application (pages 1 - 2, questions 2A - 2C.) Further analysis of the claimed material later necessitated the addition of the forth inventor, Mr. Sanders, prior to the original application filing.

b. Exhibit B attached hereto is a true and correct copy of *Certificate of Death* for Michael C. Sanders issued by the Bureau of Vital Statistics, Houston Health and Human Services Department.

Exhibit B supports the following facts:

- I. Michael C. Sanders passed away on 9 December 2001, and therefore is incapable of signing the affidavit. His widow, Vivian McDonald-Sanders, by her signature below asserts that she is the Executor of the Estate of Michael C. Sanders, and has rights to sign on his behalf as stated in C.F.R. 37 §1.42 page R-43 of the Manual of Patent Examining Procedure.

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5. We hereby declare that all statements made herein are true; that these statements are made from our own knowledge; that these statements are made with knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

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**SIGNATURES**

Full name of inventor: Jeff S. Autor

Inventor's signature: Jeff S. Autor

Date: 2 Jan 2007

Country of Citizenship: United States of America

Inventor's Address: Houston, TX 77070

Full name of inventor: Andrew C. Cartes

Inventor's signature: Andrew Cartes

Date: 2 Jan 2007

Country of Citizenship: United States of America

Inventor's Address: Houston, TX 77070

Full name of inventor: Kevin M. Jones

Inventor's signature: Kevin M. Jones

Date: 2 Jan 2007

Country of Citizenship: United States of America

Inventor's Address: Houston, TX 77070

Full name of inventor: Michael C. Sanders (Vivian Sanders, Executor of the Estate)

Inventor's signature: Vivian Sanders

Date: 2 Jan 2007

Country of Citizenship: United States of America

Inventor's Address: Houston, TX 77070

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**Exhibit: A**

**Title: Compaq Invention Disclosure**

**Description: Electronic Invention Disclosure Statement**

**Pages: 8**

**Date: Redacted (prior to 5 September 2001)**

**Redacted: [ X ] YES [ ] NO**

**COMPAQ**

(for Legal Dept. use only)  
ID No: P01-3593

Date Received: [REDACTED]

**INVENTION DISCLOSURE**

PREPARED AND SUBMITTED AT THE REQUEST AND DIRECTION OF AN ATTORNEY  
RETURN COMPLETED FORM TO DIANE STRONG VIA E-MAIL TO DIANE.STRONG@COMPAQ.COM

1. DESCRIPTIVE TITLE OF INVENTION: Method for proliferating rack name

2. INVENTOR (S): More than two?  Yes  No (If more than two, use last page.)

A.

Last Name <b>Autor</b>	Given First Name <b>Jeff</b>	Nickname (if any)	Middle Initial/Name <b>S</b>
Home Street Address		Home Phone	Pager Number
City	State	Zip	Citizenship
Work Phone	Work Fax	Mail Code	Employee #
Name of Employer (if NOT an employee of Compaq)			
Name of Supervisor			

B.

Last Name <b>Cartes</b>	Given First Name <b>Andrew</b>	Nickname (if any)	Middle Initial/Name <b>C</b>
Home Street Address		Home Phone	Pager Number
City	State	Zip	Citizenship
Work Phone	Work Fax	Mail Code	Employee #
Name of Employer (if NOT an employee of Compaq)			
Name of Supervisor			

## ADDITIONAL INVENTORS:

C.

Last Name Jones	Given First Name Kevin	Nickname (if any) Mark	
Home Street Address		Home Phone	Pager Number
City	State	Zip	Citizenship
Work Phone	Work Fax	Mail Code	Employee #
Name of Supervisor			
Name of Employer (if NOT an employee of Compaq)			

D.

Last Name	Given First Name	Nickname (if any)	
Home Street Address		Home Phone	Pager Number
City	State	Zip	Citizenship
Work Phone	Work Fax	Mail Code	Employee #
Name of Supervisor			
Name of Employer (if NOT an employee of Compaq)			

E.

Last Name	Given First Name	Nickname (if any)	
Middle Initial/Name			

Home Street Address		Home Phone	Pager Number
City	State	Zip	Citizenship
Work Phone	Work Fax	Mail Code	Employee #
Name of Supervisor			
Name of Employer (if NOT an employee of Company)			

**3. CONCEPTION OF INVENTION:**

A. When did you first think of this Invention? \_\_\_\_\_

B. Date of first written description? \_\_\_\_\_

C. Please attach the first written description. (If submitting in electronic format, please scan all attachments and send).

D. If you can not send the first written description, please explain why and state where it can be found. The first written description was on a whiteboard and transferred to the Personal Ledger Book of Andrew Cartes

E. Please list the name of others in Compaq to whom you've described the invention: \_\_\_\_\_

**4. IMPLEMENTING THE INVENTION**

A. Has the Invention been implemented?  Yes  No  Don't know  
(Implementations can include physical prototypes, software, models, and simulations).

B. If implemented, please do not destroy, alter, or modify the implementation(s) without the authorization of the Compaq Legal Department, and answer the following questions for each implementation.

- I. When was it implemented? \_\_\_\_\_
- II. Where is the implementation now? (Attach or scan and send photograph, if possible) \_\_\_\_\_
- III. Has the implementation been tested? Yes \_\_\_\_\_
- IV. If so, was the test successful? Yes \_\_\_\_\_

**5. USE OR SALE OF INVENTION:**

A. Has this been or will this be incorporated into a Compaq product?  Yes  No  
If so, for each such product identify:

- I. When was it or will it be incorporated into the product? \_\_\_\_\_
- II. Code name: \_\_\_\_\_
- III. Street name: \_\_\_\_\_

B. Has the Invention been offered for sale or sold to anyone (e.g. an end user, vendor, reseller, partner, etc.)?  
 Yes  No  Don't know

- I. If so, when: \_\_\_\_\_
- II. If so, to whom (name of company or individual): \_\_\_\_\_

C. If you don't know whether the Invention has been offered for sale or sold, please provide the name of the best person to contact to determine when the invention has been or will be offered for sale or sold: \_\_\_\_\_

**NOTE:** Please inform Compaq Legal immediately if, in the future, any of your answers under this Section 5 change so that we have ample opportunity to protect the invention within the time limits set out by law.

## 6. DISCLOSURE OF INVENTION TO OTHERS

A. Has a disclosure of the invention been made to any person(s) who is NOT a Compaq employee (including contractor, temporary, vendor, reseller, or partner and including conference presentations or journal articles)?  
 Yes  No  Don't know

B. If a disclosure was made, when was it made? \_\_\_\_\_

C. To whom was the disclosure made? \_\_\_\_\_

D. Was the disclosure made under an obligation of confidence? (e.g. Nondisclosure Agreement)  
 Yes  No  Don't know

## 7. DESCRIPTION OF THE INVENTION (continue on extra sheets as necessary)

A. To what type of technology does your invention relate? (Check all that apply)

CPU Technologies

Keyboard/Mouse/Other Input Device  
 Graphics  
 Architecture  
 Audio  
 Memory  
 Buses (ISA, EISA, PCI, AGP, other)  
 Power Supplies/Batteries  
 Other: \_\_\_\_\_

Communications Technologies

Network Interface Card  
 Hubs/Concentrators  
 Routers  
 Switches  
 Modems  
 Remote Access  
 Other: \_\_\_\_\_

Peripherals Technologies

Monitors/Screens  
 CD-ROM  
 DVD  
 Tape Drives  
 Disk Storage Systems  
 Disk Controllers  
 Printers  
 Storage  
 Other: \_\_\_\_\_

Feature/Software Technologies

Multiprocessor  
 Fault Tolerance  
 Remote Control  
 Power Management  
 Security  
 Intelligent Manageability  
 Smartstart  
 Insight Manager  
 Other: \_\_\_\_\_

Other

Manufacturing Processes  
 Mechanical (functional)  
 Mechanical (ornamental)  
 PC/TV  
 Racks  
 Other: \_\_\_\_\_

B. Describe the general subject matter of the invention. This mechanism allows a rack name to proliferate to all members in the rack, while providing for: rack name conflicts (multiple rack members have different names); unassigned rack names (any rack member with a name shares it with others provided there are no known conflicts); security mechanism to prevent name proliferation between systems that are not intended to share properties, for example, where an ISP leases rack equipment to different customers; notification when a rack name conflict is detected.

C. Describe the particular problem faced by those working in the subject matter area. Datacenters that contain numerous systems need mechanisms to identify the system, whether by purpose, owner, function, location, or another mechanism suitable to the datacenter. This mechanism allows a logical rack name to proliferate through all components within the rack automatically, including when equipment is added to an existing rack, and when a rack name is assigned. This mechanism uses rack infrastructure rather than mechanisms within an OS to establish rack name.

D. Describe the old method(s) of performing the functions of the invention. Manually assign server information. However, when the server is relocated, the information must be reassigned. This method only applied to equipment that was capable of storing rack data, otherwise, labels were needed. Additionally, rack information is difficult to share between different operating systems.

E. Why is the invention better than these old approaches? The old approaches were extremely manual, OS centric, prone to error due to mislabeling. Conflicts are not identified, and the old approach was not automatic. The new mechanism is automatic, rack-centric rather than OS-centric, identifies conflicts, and includes provisions for security.

F. Attach at least one drawing or sketch of the invention if available.  
(Attach or scan and send drawing or sketch in a separate document)

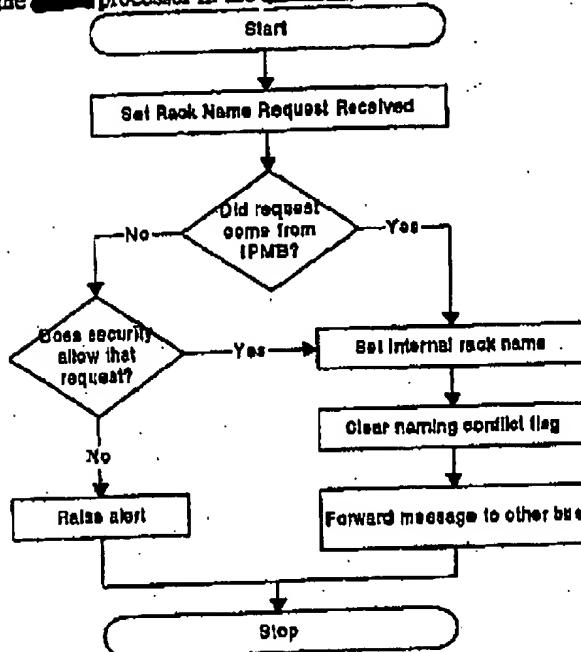
G. Describe the invention, how it is used, and how it operates. The mechanism is an algorithm distributed among management processors integrated with system chassis. In this implementation, the [REDACTED] processor in the [REDACTED] chassis and the [REDACTED] processor in the [REDACTED] chassis. The mechanism is defined in the attachment "Invention drawing - [REDACTED] Name Propagation.doc".

H. Describe the construction and structure of the preferred implementation of the invention. The invention is implemented as an algorithm running on management processors [REDACTED] that are part of the various chassis installed in the rack. The algorithm is invoked a rack chassis is told to record the rack name and runs in a decentralized mode, providing robustness and convenience.

I. Is the invention designed to conform or enhance any industry standard?  
 Yes  No  Don't Know  
If so, what industry standard? \_\_\_\_\_

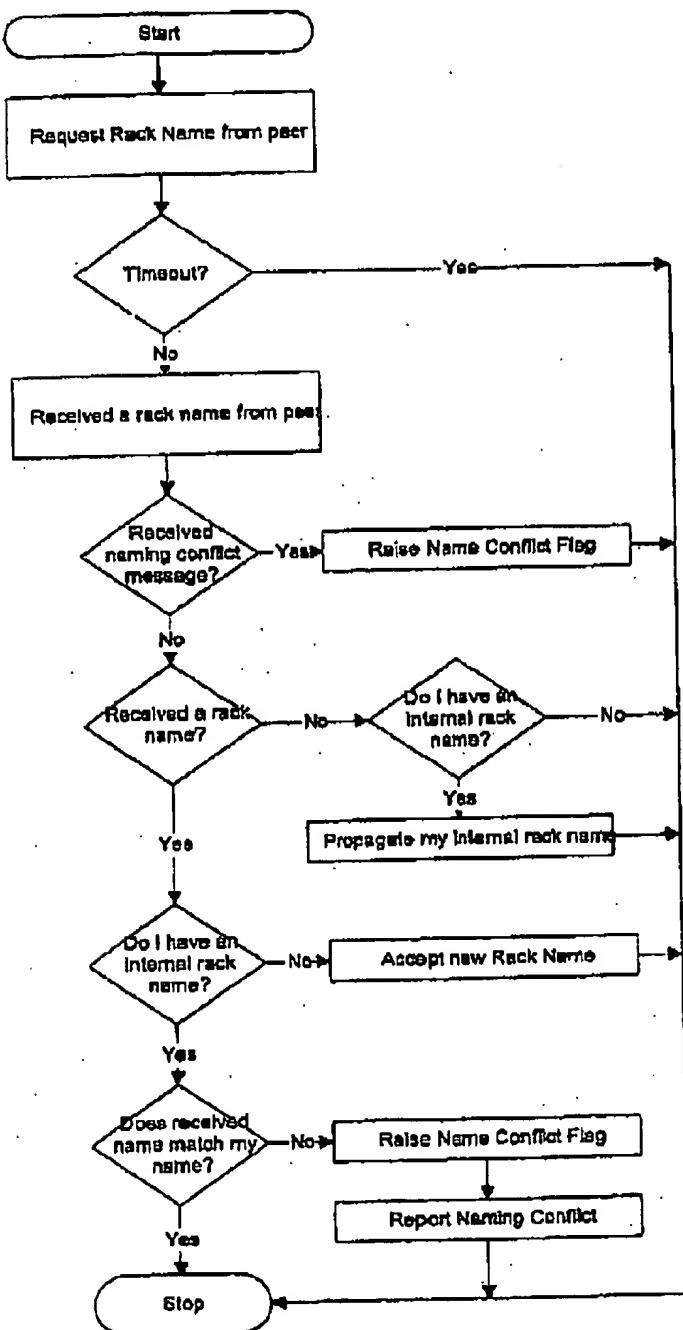
████████████████████  
Kevin Jones; Jeff Autor; Andrew Cartas  
Compaq Computer Corporation

████████████████████  
The mechanism is an algorithm distributed among management processors integrated with system chassis, in this implementation, the █████ processor in the █████ chassis and the █████ processor in the █████ chassis. The mechanism is defined as follows:



█████████████████  
Kevin Jones, Andrew Carter, Jeff Autor  
Compaq Computer Corporation  
█████████████████

The mechanism is an algorithm distributed among management processors integrated with system chassis, in this implementation, the █████ processor in the █████ chassis and the █████ processor in the █████ chassis. The mechanism is defined as follows:



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**Exhibit: B**

**Title:** City of Houston, Texas, Certificate of Death

**Description:** Certificate of Death for Michael C. Sanders

**Pages:** 1

**Date:** 21 December 2001

**Redacted:** [ ] YES [X] NO

**CERTIFICATION OF VITAL RECORD**  
**City of Houston, Texas**

STATE OF TEXAS

CERTIFICATE OF DEATH

STATE FILE NUMBER

NAME OF DECEASED		1. GENDER	2. LAST	3. MIDDLE	4. SEX	5. DATE OF DEATH
Michael Carl		Sanders			Male	December 9, 2001
6. DATE OF BIRTH		7. ADDRESS	8. CITY & STATE	9. BIRTH PLACE CITY & STATE OR FOREIGN COUNTRY	10. SOCIAL SECURITY NO.	
April 19, 1956		1100 18th Street, Houston, TX 77003	Houston, Texas	Houston, Texas		
11. DEATH		12. MANNER OF DEATH	13. DEATH CERTIFICATION	14. DEATH CERTIFICATION	15. PLACE OF BUSINESS OR HOSPITAL	
Choked		13. MANNER OF DEATH	14. DEATH CERTIFICATION	15. DEATH CERTIFICATION	16. PLACE OF BUSINESS OR HOSPITAL	
17. MARRITAL STATUS		18. MARRIED SPOUSE'S NAME	19. OCCUPATION	20. OCCUPATION	21. OCCUPATION	
Married		Never married	Engineer	Computer		
22. MARRIED SPOUSE'S NAME		23. MARRIED SPOUSE'S NAME	24. OCCUPATION	25. OCCUPATION	26. OCCUPATION	
22. MARRIED SPOUSE'S NAME		23. MARRIED SPOUSE'S NAME	24. OCCUPATION	25. OCCUPATION	26. OCCUPATION	
27. RESIDENCE STREET ADDRESS		28. CITY OR TOWN				29. ZIP CODE
18327 Champion Forest Dr.		Spring				77379
30. COUNTY		31. STATE		32. ZIP CODE		33. MUNICIPAL CITY LIMITS
Harris		Texas		77379		34. YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
35. FATHER'S NAME		36. MOTHER'S MAIDEN NAME				37. MARRIED SINCE
George Sanders		Dorothy Bennett				1991
38. MOTHER'S MAIDEN NAME		39. MARRIED SINCE				1991
Dorothy Bennett		1991				1991
40. HOSPITAL OR INSTITUTION		41. CITY OR TOWN OF DEATH				42. PLACE OF DEATH
40. HOSPITAL OR INSTITUTION		41. CITY OR TOWN OF DEATH				42. PLACE OF DEATH
43. COUNTY OF DEATH		44. CITY OR TOWN OF DEATH				45. PLACE OF DEATH
43. COUNTY OF DEATH		44. CITY OR TOWN OF DEATH				45. PLACE OF DEATH
46. MANNER OF DEATH		47. SIGNATURE & RELATIONSHIP				48. SIGNATURE & RELATIONSHIP
46. MANNER OF DEATH		47. SIGNATURE & RELATIONSHIP				48. SIGNATURE & RELATIONSHIP
49. METHOD OF DEPOSITION		50. PLACE OF DEPOSITION STATE OR CITY				51. PLACE OF DEPOSITION STATE OR CITY
49. METHOD OF DEPOSITION		50. PLACE OF DEPOSITION STATE OR CITY				51. PLACE OF DEPOSITION STATE OR CITY
52. BURIAL		53. BURIAL CITY, STATE				54. BURIAL CITY, STATE
52. BURIAL		53. BURIAL CITY, STATE				54. BURIAL CITY, STATE
55. Cremation		56. Cremation City, State				57. Cremation City, State
55. Cremation		56. Cremation City, State				57. Cremation City, State
58. Removal from State		59. Removal from State				60. Removal from State
58. Removal from State		59. Removal from State				60. Removal from State
61. Disposal		62. Disposal				63. Disposal
61. Disposal		62. Disposal				63. Disposal
64. Other (Specify)		65. Other (Specify)				66. Other (Specify)
64. Other (Specify)		65. Other (Specify)				66. Other (Specify)
67. CERTIFIER		68. DATE & TIME OF DEATH				69. PLACE OF DEATH
67. CERTIFIER		68. DATE & TIME OF DEATH				69. PLACE OF DEATH
70. CERTIFYING PHYSICIAN		71. TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE TIME, DATE, AND PLACE, AND DUE TO THE CAUSE(S) AND MANNER AS STATED.				72. DATE & TIME OF DEATH
70. CERTIFYING PHYSICIAN		71. TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE TIME, DATE, AND PLACE, AND DUE TO THE CAUSE(S) AND MANNER AS STATED.				72. DATE & TIME OF DEATH
73. MEDICAL EXAMINER		74. MEDICAL EXAMINER				75. DATE & TIME OF DEATH
73. MEDICAL EXAMINER		74. MEDICAL EXAMINER				75. DATE & TIME OF DEATH
76. ATTENDING PHYSICIAN		77. ATTENDING PHYSICIAN				78. DATE & TIME OF DEATH
76. ATTENDING PHYSICIAN		77. ATTENDING PHYSICIAN				78. DATE & TIME OF DEATH
79. BURIAL		80. Cremation				81. Removal from State
79. BURIAL		80. Cremation				81. Removal from State
82. REMOVAL FROM STATE		83. REMOVAL FROM STATE				84. Disposal
82. REMOVAL FROM STATE		83. REMOVAL FROM STATE				84. Disposal
85. OTHER		86. OTHER				87. OTHER
85. OTHER		86. OTHER				87. OTHER
88. DATE OF DEATH		89. TIME OF DEATH				90. DEATH CERTIFICATION
88. DATE OF DEATH		89. TIME OF DEATH				90. DEATH CERTIFICATION
91. DEATH CERTIFICATION		92. DEATH CERTIFICATION				93. DEATH CERTIFICATION
91. DEATH CERTIFICATION		92. DEATH CERTIFICATION				93. DEATH CERTIFICATION
94. DEATH CERTIFICATION		95. DEATH CERTIFICATION				96. DEATH CERTIFICATION
94. DEATH CERTIFICATION		95. DEATH CERTIFICATION				96. DEATH CERTIFICATION
97. DID TOBACCO USE CONTRIBUTE TO DEATH		98. DID ALCOHOL USE CONTRIBUTE TO DEATH				99. WAS THE DECEDENT PREGNANT
97. DID TOBACCO USE CONTRIBUTE TO DEATH		98. DID ALCOHOL USE CONTRIBUTE TO DEATH				99. WAS THE DECEDENT PREGNANT
100. MANNER OF DEATH		101. DATE OF DEATH				102. TIME OF DEATH
100. MANNER OF DEATH		101. DATE OF DEATH				102. TIME OF DEATH
103. NATURAL		104. DATE OF DEATH				105. TIME OF DEATH
103. NATURAL		104. DATE OF DEATH				105. TIME OF DEATH
106. ACCIDENT		107. DATE OF DEATH				108. TIME OF DEATH
106. ACCIDENT		107. DATE OF DEATH				108. TIME OF DEATH
109. SUICIDE		110. DATE OF DEATH				111. TIME OF DEATH
109. SUICIDE		110. DATE OF DEATH				111. TIME OF DEATH
112. HOMICIDE		113. DATE OF DEATH				114. TIME OF DEATH
112. HOMICIDE		113. DATE OF DEATH				114. TIME OF DEATH
115. MEDICAL INVESTIGATION		116. DATE OF DEATH				117. TIME OF DEATH
115. MEDICAL INVESTIGATION		116. DATE OF DEATH				117. TIME OF DEATH
118. COULD NOT BE DETERMINED		119. DATE OF DEATH				120. TIME OF DEATH
118. COULD NOT BE DETERMINED		119. DATE OF DEATH				120. TIME OF DEATH
121. UNKNOWN		122. DATE OF DEATH				123. TIME OF DEATH
121. UNKNOWN		122. DATE OF DEATH				123. TIME OF DEATH
124. DEATH RECEIVED BY LOCAL REGISTRY		125. DATE RECEIVED BY LOCAL REGISTRY				126. TIME RECEIVED BY LOCAL REGISTRY
124. DEATH RECEIVED BY LOCAL REGISTRY		125. DATE RECEIVED BY LOCAL REGISTRY				126. TIME RECEIVED BY LOCAL REGISTRY

STATE OF TEXAS  
COUNTY OF HARRIS

CERTIFIED COPY OF VITAL RECORDS

63

DATE ISSUED DEC 21 2001

R. W. Hankins, Registrar  
BUREAU OF VITAL STATISTICSThis copy not valid unless prepared on engraved border displaying seal and signature of Registrar.  
LAMINATION MAY VOID CERTIFICATE.